



## **LOCAL CONFERENCE**

### ***SAFE PLACE POLICY***

#### **POLICY IMPLEMENTATION**

Version **2013.06** Local Conference

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This policy belongs and pertains to the

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Conference of the  
Seventh-day Adventist Church throughout Australia and  
New Zealand

This policy has been developed by Safe Place Services (2008 and as revised) for the use and customisation of the Seventh-day Adventist Church and its Conferences throughout Australia and New Zealand.

All local church, Conference, and Union documents referred to herein are available on the Safe Place Services website at [www.safeplaceservices.org.au](http://www.safeplaceservices.org.au)

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# 1. PURPOSE

## 1.1 Policy Statement

The Local Conference of the Seventh-day Adventist Church is committed to creating and sustaining the Church and Church-Affiliated Entities as safe places for children, vulnerable people, volunteers and employees through:

- Promoting conduct in the spirit advocated by Christ of His followers and in harmony with the ethos and values of the Church.
- Promoting the wellbeing and welfare of children and protecting them from child abuse, neglect and sexual misconduct.
- Training for the Church and its Affiliated Entities in maintaining safe places in relation to harassment, misconduct, respecting boundaries and affirming the rights of employees and volunteers to work in a safe, abuse-free environment.
- Appointing and supporting a Safe Place Committee/Coordinator to assist the Conference and its Affiliated Entities achieve goals in relation to child protection training and implementation of policies.
- Requiring the screening of volunteers and employees who work with children.
- Adhering to legal sanctions and statutory responses to child abuse, neglect, sexual abuse and misconduct and recognising that these processes may not be adequate in responding to all forms and circumstances of misconduct against minors and that the Church has a responsibility to respond by following its own processes in line with Church policy.
- Fulfilling the South Pacific Division (SPD) Working Policy (ADM.20.45) requirement that the Local Conference shall:
  - Implement a child protection policy that outlines how allegations of child abuse shall be dealt with.
  - Ensure that point-of-contact persons are appointed for the Conference in relation to information and advice on child abuse, neglect and sexual misconduct.
  - Provide training for employees and volunteers in regard to child protection.

- Develop and implement resources and tools for:
  - Screening employees/volunteers who work with children.
  - Conducting background referee checks.
  - Raising awareness of issues and training needs in relation to child protection.
- Provide suitable job descriptions to employees and volunteers who work with children.

## 1.2 Policy Scope

This policy establishes the work of the Local Conference in keeping the Church a safe place.

## 1.3 Supporting Documents

As authorised and revised from time to time:

- ❖ AUC and NZPUC, *Creating A Safe Place Policy*.
- ❖ Local Church, *Safer Environments for Children and Young People Policy*.
- ❖ SPD, *Child-Protection Policy* ADM.20.45.
- ❖ AUC and NZPUC Procedure, *National Safe Place Register*.
- ❖ General Conference (of the Seventh-day Adventist Church) *Statement on Child Sexual Abuse* (1997), see [www.adventist.org/beliefs/statements](http://www.adventist.org/beliefs/statements)
- ❖ Churches' Child Protection Advisory Services (2004) *Guidance to Churches: A Working Manual for Child Protection and Safe Practice*.
- ❖ The Seventh-day Adventist Church (2010) *Church Manual*, 18<sup>th</sup> Edition.

## **2. RATIONALE**

### **2.1 Statement of Rationale**

The Local Conference is committed to the protection of children and other vulnerable people because:

- Protecting the vulnerable is part of the Church's God-given mission and purpose.
- Scripture establishes the inherent value of each child as important to God and deserving of nurture and protection.
- Abuse of children and other vulnerable people is a transgression of the morality, values and behaviour for God's people that are promoted throughout Scripture.
- The Church is not immune from incidents of child abuse, neglect, sexual abuse and misconduct occurring and has a responsibility to respond appropriately when it occurs or is alleged to have occurred.
- The Church has a duty of care to ensure the wellbeing and safety of all children and vulnerable people within its work and worship environments and ensure that the Church is free from harassment and abuse.
- The Church has a legal obligation to comply with legislation and a moral obligation to adhere to principles of good practice in areas such as the selection and appointment of volunteers to work with children and reporting child abuse and neglect to authorities such as the Police and Child Protection services.
- The Local Conference has an obligation, as a responsible employer, to promote environments that are free of abuse and harassment for employees and volunteers and to respond appropriately to sexual harassment when it occurs.

## **3. PRINCIPLES**

### **3.1 Principles of the Policy**

The Local Conference is committed to establishing a safe environment for children and a workplace free from harassment by:

- Implementing and requiring adherence to this Policy.
- Training of identified leaders and employees such as ministers, teachers, administrators and Departmental staff throughout the Conference.
- Raising awareness about the issues and incidents of child abuse within the Church.
- Requiring the screening of employees and volunteers in child-related roles throughout the Local Conference.
- Requiring the Local Churches to adopt a Child-Safe Environments Policy and appoint a Child-Safe Coordinator/Committee.
- Ensuring that Conference-Affiliated Entities appoint a child-protection contact person, where applicable, and implement a Child-Safe Environments policy.
- Appointing a Local Conference Safe Place Committee to operate according to the Terms of Reference outlined in Section 6 of this Policy.
- Resourcing the Local Conference Safe Place Committee to assist with training, education, policy adoption, and implementation throughout the Local Conference.
- Requiring the use of strategies to manage real and potential risk to the Church, through measures such as Safety Agreements; suspensions; redeployment to alternative duties; and termination, in line with Church policy and legislation.
- Responding to incidents of bullying, harassment, and sexual harassment within the Church's workplaces in a responsible manner and in accord with the documents known as the 'Office Manual' and the Local Conference Workplace Bullying policy.

## 3.2 Supporting Documents

As authorised and revised from time to time:

- ❖ SPD, *Child-Protection Policy* ADM.20.45.
- ❖ Local Church, *Safer Environments for Children and Young People Policy*.
- ❖ AUC and NZPUC, *Creating A Safe Place Policy*.
- ❖ AUC and NZPUC Procedure, *National Safe Place Register*.
- ❖ Child Safe (2008) *A Child Safe Organisation*, see [www.childsafe.org.au](http://www.childsafe.org.au)
- ❖ Churches' Child Protection Advisory Services (2004) *Guidance to Churches: A Working Manual for Child Protection and Safe Practice*.
- ❖ Community and Disability Services Ministers Conference (July 2005) *Creating a Safe Place for Children: Organisations, Employees and Volunteers – A National Framework*.
- ❖ QLD Commission for Children and Youth People and Child Guardian (January 2007) *Safe Environments for Youth People: Child-Protection Managing the Risks*.
- ❖ South Australian Government (2012, October) *Child-safe Environments*. Department for Education and Child Development
- ❖ Families SA (South Australian Department for Communities and Social Inclusion), see various documents [www.families.sa.gov.au/childsafe](http://www.families.sa.gov.au/childsafe)
- ❖ The Australian *Commonwealth Sex Discrimination Act* (1984) and various State, Territory, and New Zealand “equal opportunity”, “anti-discrimination”, and “workplace relations” legislation which cover workplace bullying, harassment, and sexual harassment.
- ❖ Template, Local Conference *Workplace Bullying Policy* (2013).
- ❖ Local Conference ‘Office Manual’ as in force.
- ❖ Safe Place Services’ website at [www.safeplaceservices.org.au](http://www.safeplaceservices.org.au)



## **4. LEGAL FRAMEWORK**

### **4.1 Legal Principles**

The Local Conference recognises that it has a responsibility to adhere to guiding principles enshrined in legislation (Acts of Parliament) and established tort and civil law (cases based on precedent rulings). These principles include:

- Duty of Care
- Vicarious Liability
- Reasonable Standard of Care
- Reasonable Foresight
- Negligence
- Confidentiality and Privacy

Further explanation of these principles is provided in the definitions in Section 8.

### **4.2 Legislation**

The Local Conference of the Seventh-day Adventist Church is required to comply with a range of child-related safety, welfare and workplace legislation in relation to creating a safe place of children and fulfilling its obligation to be a responsible employer. The main Acts that inform the church's policies and procedures are summarised in Appendix A.

### **4.3 Child Related Positions**

All Conference-appointed Church Workers (employees or volunteers) who work in child-related positions shall comply with *Working With Children Check* (a similarly named 'criminal history record check') requirements as prescribed in local legislation.

### **4.4 Supporting Documents**

As authorised and revised from time to time:

- ❖ AUC and NZPUC, *Creating A Safe Place Policy*.
- ❖ Local Church, *Safer Environments for Children and Young People Policy*.
- ❖ Australian Institute of Family Studies, [www.aifs.gov.au](http://www.aifs.gov.au)
- ❖ Child Family Community Australia, [www.aifs.gov.au/cfca/index.php](http://www.aifs.gov.au/cfca/index.php)
- ❖ Child, Youth and Family Services (New Zealand), [www.cyf.govt.nz](http://www.cyf.govt.nz)
- ❖ ChildSafe (2008) *A Child Safe Organisation*, [www.childsafe.org.au](http://www.childsafe.org.au)
- ❖ Office of the Commonwealth Privacy Commissioner [www.privacy.gov.au](http://www.privacy.gov.au)
- ❖ Any relevant workplace, organisational, or child-safe or child-protection-related legislation.
- ❖ Ministerial Council on Education, Employment, Training and Youth Affairs (2003) *National Safe Schools Framework*, see [www.dest.gov.au](http://www.dest.gov.au)

## **5. RESPONDING TO CHILD ABUSE AND SEXUAL MISCONDUCT**

### **5.1 Policy Statement**

The Local Conference requires all its Church Workers (including volunteers) to report suspicions of children at risk of abuse or neglect to Child Protection Services, and to report all disclosures and reasonable suspicions of children at risk of or subject to criminal child abuse to both Child Protection Services and local Police. In addition to reporting, the Local Conference will respond to real and potential risk based on the principles of risk assessment and management in regards to complaints of child abuse or sexual misconduct in relation to Church Workers, volunteers or attendees.

### **5.2 Informing Authorities and Safe Place Services**

For the purposes of 5.1 above, Church Workers of the Local Conference include ministers (interns, license, and ordained pastors), teachers, departmental staff, administrators, and Conference office staff. Church Workers include staff such as volunteers at Conference-organized Church activities such as Annual Conventions (Big Camps), Summer Camps, Pathfinder Camporees, and Youth & Children's Rallies.

Reports should be made to:

- Local Police
- The Child-Protection Service in the region (see [www.safeplaceservices.org.au](http://www.safeplaceservices.org.au) for details).
- The Local Conference Safe Place Committee Chairperson or Coordinator.
- The Union's Safe Place Services program at [safeplaces@adventist.org.au](mailto:safeplaces@adventist.org.au) or the following number:
  - Australia – 1800 220 468
  - New Zealand – 0800 442 458
  - Norfolk Island – 1800 1410

The Local Conference requires its Affiliated Entities and its Local Churches and Companies of believers, to follow and implement the reasonable advice and recommendations made by Safe Place Services, Police, Child-Protection Services, and the Local Conference's Safe Place Committee/Coordinator.

### **5.3 Managing Risk**

The Local Conference requires its Affiliated Entities and its Local Churches and Companies of believers, to manage risks by adhering to advice and recommendations from the following sources (as applicable):

- Safe Place Services.
- The Local Conference Safe Place Committee/Coordinator.
- Any relevant authority or child-sexual assault professional involved with a case or situation.

Situations of real or potential risk will be assessed by the Local Conference Safe Place Committee, in consultation with Safe Place Services. The Local Conference Safe Place Committee will decide what strategies and measures should be in place to manage a situation, such as (but not limited to):

- Excluding a person from attending a Local Church or Local Conference event or sponsored activity.
- Implementing a Safety Agreement.
- Ensuring appropriate supervision or monitoring procedures are in place.
- Stipulating that applicable Codes of Conduct must be adhered to as a condition of participation.
- Excluding a person from holding child-related roles or positions and from leadership in positions invested with moral or spiritual authority.

- Sourcing professional risk assessment.
- Adhering to work-place legislation and/or any applicable policy of a Church-affiliated Entity or Department.
- Prioritising a victim's right to attendance at Church-related activities over that of a person subject of allegation (PSOA).

## **5.4 Supporting Documents**

As authorised and revised from time to time:

- ❖ Local Church, *Safer Environments for Children & Young People Policy*.
- ❖ AUC and NZPUC, *Creating a Safe Place Policy*.
- ❖ AUC and NZPUC, *Framework for Investigations*, particularly section 8.
- ❖ Relevant Policy of a Conference-Affiliated Entity or Department.
- ❖ Any applicable work-place legislation including legislation on harassment and bullying.

## **6. LOCAL CONFERENCE SAFE PLACE COMMITTEE/COORDINATOR**

### **6.1 Policy Statement**

The Local Conference appoints and authorises the work of its Safe Place Committee (and/or Coordinator, if applicable). The Safe Place Committee, in turn, is responsible to the Local Conference Executive Committee/Board of Directors. The Safe Place Committee will be:

- Impartial and unbiased in its consideration of matters;
- Confidential in its handling of information
- Open to input and advice from Safe Place Services, relevant professional opinion, and legal advice; and
- Diligent in balancing the needs and rights of competing interests and parties.

This will be facilitated by ensuring that the Safe Place Committee:

- Reflects a mix of genders;
- Reflects a mix of (i) persons with Administrative or Departmental roles within the Conference and (ii) persons who are lay members with suitable experience, skills and qualifications;
- Members always act in the best interests of the purpose of the Safe Place Committee;
- In situations where either a Conference President or General Secretary is not an appointed member, their attendance as observers is welcome; and
- Any invitee to a Safe Place Committee meeting may address the members and participate in discussion, but shall abstain from the voting process. They shall be bound by the usual Confidentiality provisions.

### **6.2 The Safe Place Committee's Role in Responding to Allegations and Complaints**

The role of the Safe Place Committee is to assist with the development and implementation of strategies to manage risk associated with complaints, allegations, and reports of situations regarding the safety and wellbeing of children, young people and vulnerable adults.

The Local Conference Safe Place Committee is not authorised to act, unilaterally, on any complaint that it receives in terms of initiating an investigation. Any complaint received by the Local Conference Safe Place Committee will be referred to Safe Place Services or the applicable Church entity or appointing body of the Person Subject of Allegation (PSOA). The Local Conference Safe Place Committee may, however, make recommendation to the Local Conference ADCOM or an applicable Church entity that any response shall include a Conference led/authorised investigation (under provisions contained in Section 5.2 of the *Creating A Safe Place Policy*).

During an investigation, the Local Conference Safe Place Committee may be called upon to assist with an assessment of risk and the implementation of strategies intended to reduce risk. This could include, for example, the introduction of a Safety Agreement with a person subject of allegation (PSOA).

At the end of an investigation, the Safe Place Committee shall not be responsible to make recommendations regarding Local Church disciplinary responses. Rather, the Local Church should seek advice from Conference Administration on the subject of appropriate church discipline, as outlined in the *Church Manual*, following a Finding or outcome from an investigation or any response by Police or Child Protection Services.

There may be the occasion where the Safe Place Committee, in carrying out roles such as: assessing risk; assisting a victim/complainant lodge a complaint; or implementing strategies to manage real and potential risk with a PSOA; may find that a real or perceived conflict of interest occurs which may compromise the ability to remain impartial. In such cases, the Safe Place Committee shall discuss strategies with both Safe Place Services and the Local Conference administration, with the intent of providing a response that is free from actual or perceived bias and conflict of interest so far as is possible. .

The Local Conference Safe Place Committee, a Local Church Board or Business Meeting, or an Affiliated-Entity, can rely on an Investigation Finding from a duly-appointed Safe Place Adjudication Committee or Adjudication Panel as prima facie proof of the facts of an allegation.

### **6.3 Terms of Reference for the Safe Place Committee**

The Local Conference Safe Place Committee is responsible to the Executive Committee/Board of Directors to fulfil the following roles:

- i. Facilitate the provision of resources, education and training for Local Churches in relation to identifying and responding to signs and disclosures of child abuse and neglect; introducing strategies for keeping the church as a safe place (such as establishing Codes of Conduct and conducting

- Screening of people holding child-related roles); and implementing strategies in response to situations of real and potential risk (such as the use of Safety Agreements);
- ii. Provide training and resources to assist the Local Churches in implementing the *Local Church Child-Safe Environments Policy*;
  - iii. Implement procedures for the Local Church and Safe Place Committee to store Screening Forms in a confidential and secure manner with appropriate controls on access and use of the information contained therein;
  - iv. Report incidents of abuse to Safe Place Services, Police, Child Protection Services and specialist counselling and support services if this has not already been done;
  - v. Receive Risk Assessments, Investigation Reports, and Adjudication Reports from Safe Place Services and assist any applicable Church entity, authority or body within the Conference to enact them;
  - vi. Assess Risk in relation to the introduction of Safety Agreements, in situations required by *Local Church Child-Safe Environments Policy* and/or the AUC and NZPUC *Creating A Safe Place Policy* (and related 'safe place' procedures and processes referred to therein);
  - vii. Formulate Safety Agreements in consultation with: Safe Place Services, the Local Church, Conference Affiliated Entity, and the Applicant, based on an assessment on the Applicant's likelihood of offending and the proposed situation/venue/location of participation. See section 8 in the procedural document AUC and NZPUC (as revised from time to time) *Framework for Investigations*;
  - viii. Sign Safety Agreements between an Applicant and the Conference, on behalf of the Conference, thereby authorising the Safety Agreement to become binding (subject to local Church Board/Business meeting authorization to proceed);
  - ix. Review and monitor Safety Agreements periodically as required within the Safety Agreement terms and conditions;
  - x. Respond to apparent breaches and non-compliance with a Safety Agreement, and suspend, terminate or amend the Safety Agreement as required or caution any party as deemed necessary in the circumstances;

- xi. Seek advice from Safe Place Services about situations of risk and the suitability of introducing a Safety Agreement, where the Safe Place Committee considers there are complex or controversial matters;
- xii. Inform the Local Conference Executive/Board of Directors of the risk attached to persons or situations and strategies that are in place, such as Safety Agreements, restoration plans, exclusion from attendance, or supervision and monitoring;
- xiii. Make recommendation to the Local Conference ADCOM or Executive/Board of Directors, regarding the support and counselling needs of complainants going through Church or Police investigations, or in the aftermath of such investigations;
- xiv. Lodge a copy of all Safety Agreements with Safe Place Services to assist with tracking, as outlined in the AUC and NZPUC *National Safe Place Register* procedures;
- xv. Respond to Grievances, in cooperation with the Local Conference Executive Committee/Board of directors, as outlined in the AUC and NZPUC *Creating A Safe Place Policy* and the *Local Church Child-Safe Environments Policy*;
- xvi. Recommend candidates for appointment to a Safe Place Adjudication Panel, if/as required, to carry out the role of adjudication. The appointment of recommended candidates to an Adjudication Panel will be finalized by either the Conference ADCOM or Executive/Board of Directors if the ADCOM so elects. A member of the ADCOM or Conference Safe Place Committee shall not be an adjudicator.

## **6.4 Grievances about Recommendations and Decisions by the Safe Place Committee**

The Local Church shall not be responsible for responding to grievances about a recommendation they are asked to implement. All such grievances will be handled by the Local Conference Executive Committee/Board of Directors and the Local Conference Safe Place Committee as outlined in *the Local Church 'Safer Environments for Children and Young People' Policy* (Section 7). The Local Conference Safe Place Committee shall have opportunity to respond to any grievance in the first instance.

If the aggrieved party is not satisfied with the response from the Local Conference Safe Place Committee, the Local Conference Executive Committee may review the response of the Safe Place Committee. The Local Conference



Executive Committee, however, is not authorised to revise a ‘risk assessment’ on an individual’s likelihood of reoffending. Grievance about a ‘risk assessment’ of an individual’s likelihood of reoffending shall be referred to the AUC Safe Place Services and/or an up-to-date ‘risk assessment’ undertaken by a person suitably experienced and qualified to carry out such assessment.

## **6.5 Screening Volunteers and Invited Guests at Conference Events**

As outlined in *the Local Church Child-Safe Policy*, the Local Conference will be responsible for Screening persons involved in Conference-sponsored and organised events and activities who have not been screened according to the *Local Church Child-Safe Policy*.

## **6.6 The Role of Safe Place Services in Cooperation with the Local Conference and Local Church**

As outlined in the AUC and NZPUC *Creating a Safe Place Policy*:

“Safe Place Services will support the Local Conference Safe Place Committee with:

- Resources, advice, and training in conducting Risk Assessments.
- Advice and quality control regarding assessments of suitability for Safety Agreements and their implementation.
- Recommendations and support in assisting Local Churches deal with issues and fallout surrounding implementation of child-safe practices and strategies, such as conducting Screening and introducing Safety Agreements.
- Sourcing legal advice and opinion.
- Sourcing psychological or other required professional assessments, as required.”

Safe Place Services will assist Local Churches and their Safe Place Coordinator/Committee with:

- Reporting incidents to authorities such as Police and Child Protection Services, as required by Church policy throughout Australia and New Zealand.
- Implementation of recommendations intended to keep the Church safe.

- Managing Local Church dynamics in conjunction with the Local Conference administration and the Local Conference Safe Place Committee.
- Protective Behaviours.
- Advising on Codes of Conduct and responding to apparent breaches.
- Responding to conduct which causes some level of unease but which may, or may not, be indicative of ‘grooming behaviour’.”

## 6.7 Supporting Documents

As authorised and revised from time to time:

- ❖ AUC & NZPUC, *Creating a Safe Place Policy*.
- ❖ AUC & NZPUC, *Safe Place Adjudication Committee: Terms of Reference*.
- ❖ AUC & NZPUD, *Template Adjudication Panel: Terms of Reference*.
- ❖ Safe Place Services procedural document, *Framework for Investigations*.
- ❖ Local Church, *Safer Environments for Children and Young People Policy*.
- ❖ ChildSafe (2008) *A Guide for Risk Management Officers*, see [www.childsafe.org.au](http://www.childsafe.org.au)
- ❖ NSW Ombudsman (June, 2004) *Investigating Complaints: A Manual for Investigators*, see [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).
- ❖ QLD Commission for Children and Youth People and Child Guardian (January 2007) *Safe Environments for Youth People: Child-Protection Managing the Risks*.

## **7. THE LOCAL CONFERENCE AND INDEMNIFICATION**

### **7.1 Commitment to Indemnify the Local Church if Following Policy**

The Local Conference indemnifies the Safe Place Committee, an Affiliated Entity or a Local Church, from any claim for damages, negligence or liability that may arise out of following a recommendation made by Safe Place Services, the Local Conference Safe Place Committee or other duly-appointed Committee or Officer of the Union or Local Conference, if they were following such advice in accord with applicable Church policy such as the: *Local Church Child-Safe Policy*, *AUC and NZPUC Creating a Safe Place Policy*, or an applicable policy of a Conference-Affiliated Entity or Department.

### **7.2 Limits to Conference Indemnification**

If the Local Church does not follow recommendations from the Conference Safe Place Committee or Safe Place Services, in line with this policy, the Conference may not indemnify the Local Church in the event that any liability or claim for damages arises. In such cases the Local Church might be held responsible for all legal costs associated with the defence of the case, Court costs and any damages or payment to a victim that may be ordered by the Court.

## 8. DEFINITIONS

### 8.1 For the purpose of this policy the following understandings apply:

**ADCOM:** Means an Administrative Committee of either the AUC Board of Directors; NZPUC Executive Committee; or a Local Conference Executive Committee or Board of Directors.

**Age of Consent:** In New Zealand, and most areas of Australia, the legal age of consent is 16 years. Local legislation in this regard shall be understood to apply.

**Allegation or Complaint:** An allegation or complaint is a statement by a victim or a non-victim complainant that alleges a Church Worker, volunteer or attendee has or is believed to have engaged in child abuse or sexual misconduct. The alleged conduct might involve behaviour that is reportable to Child Protection authorities, or Police, or it might be behaviour that the Church has a responsibility to examine and respond to.

**Applicant:** Means a person who is either the subject of a Safety Agreement or proposed to be the subject of a Safety Agreement.

**Attendee:** Means any person who attends a Seventh-day Adventist Church or Church-sponsored activity.

**Child/ren:** Means anyone under 18 years of age.

**Child Abuse:** Means the following conduct in relation to a child: (a) emotional abuse; or (b) neglect; or (c) physical abuse; or (d) sexual abuse; or (e) spiritual abuse.

**Child Protection Service/Authority:** A Government service for responding to notifications and incidents about children at risk of child abuse or neglect, or believed to be at risk of such.

**Church:** Means the Seventh-day Adventist Church in Australia and New Zealand.

**Church Authority:** Means the person or body having administrative authority of or in a Church body to appoint, authorise, dismiss or suspend a Church Worker.

**Church Body:** Includes a Department; Division; Union; Conference; Local Church; School; any Body Corporate, Organisation or Association that exercises ministry or functions within, or on behalf of or with the endorsement of, the Church.

**Church Worker:** Means a person who is or who at the relevant time was: (a) a minister (includes an intern, licensed or credentialed minister, ordained pastor, chaplain or bi-vocational minister); or (b) a teacher or other employee of a Church school or

educational institution; or (c) a person employed by a Church Body or Affiliated Entity; or (d) a person holding a position or performing a function with the actual or apparent authority of a Church authority or Church body, other than: (i) a person appointed by a Local Church; or (ii) a volunteer serving on an official committee or sub-committee of the Church such as a Conference, Union or Division Executive, Nominating or Appointment Committee or a Delegate of a session of such; or (iii) a volunteer serving on a Departmental Committee, sub-committee or taskforce of a Church Department of Church Body.

**Complainant:** Means a person, Church Body or Affiliated Entity that lodges a complaint or otherwise makes an allegation about a Church Worker, Volunteer, or attendee.

**Criminal History Record Check:** Refers to the local applicable process for conducting a background check on a person's offending history for child-related sexual and other offences.

**Emotional Abuse:** Means acts or omissions in relation to a child where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development.

**Experienced Lawyer:** An experienced lawyer is a person who is or has been a judge or justice of a New Zealand, Australian, State or Territory court or tribunal or has been admitted as a legal practitioner for not less than seven years.

**General Secretary:** Refers to the General Secretary, or person acting/fulfilling the role of such, of the relevant Union.

**Investigation:** An investigation is the process where the Church: utilises an external investigator to gather and evaluate evidence relevant to establishing the facts of an allegation about a Church Worker, Volunteer or attendee; makes a decision about whether an allegation or complaint about a PSOA is sustained or not sustained; provides information and recommendations applicable to a relevant Church Authority, Church Body, Affiliated Entity or a Division, Union, Conference, Local Church or Department of the Church. The investigative process reaches a decision about whether an allegation is sustained or not sustained, on the balance of probabilities. A high level of evidence might be required in a Church investigation in order to arrive at a finding. Care will be taken to ensure that an investigation by the Church adheres to the principles of natural justice. Situations under investigation are also responded to on the principles of risk assessment and management. Therefore a Risk Assessment is often undertaken, as a separate and parallel process to an investigation. The implementation of strategies to manage risk, during an investigation, in no way means that the Church has prejudged or otherwise formed an opinion on the validity of an allegation. There is provision within the *Creating A Safe Place Policy* for a Conference led/authorised investigation to be conducted in certain circumstances. Similarly, the South Pacific Division or its entity may appoint Safe Place Services to conduct an investigation on

their behalf in accordance with the principles and standards outlined in *Creating A Safe Place Policy* and *Framework for Investigations*. All Conference-authorised and SPD-cases will be adjudicated by a duly appointed Adjudication Panel. The cost of an Adjudication Panel will be borne by the applicable Conference or SPD entity.

**Legal Principles:** The Church recognises a requirement to adhere to the following legal principles, which shall have the following meanings within this Policy:

- **Duty of Care:** A responsibility that the Local Church has to ensure the safety and wellbeing of those who participate in its activities and services.
- **Vicarious Liability:** A legal liability that the Local Church may be determined to have for the conduct of those who act on its behalf (e.g. volunteers, appointed church officers and employees).
- **Reasonable Standard of Care:** The level of care that a participant may reasonably expect that the Church will take when delivering any Church or Church-sponsored event or activity.
- **Reasonable Foresight:** A responsibility that the Church has when planning, to identify any reasonably foreseen danger/risk and take reasonable steps to prevent or avert such risk.
- **Negligence:** Exists when it is established that the Church had a duty of care; that the said duty of care was breached; and a specific tangible loss was suffered as a result.
- **Confidentiality and Privacy:** Under the applicable Privacy legislation that exists in Australia and New Zealand, the Church (Union, Conference and Local) has an obligation to protect personal information that it collects. However, privacy and confidentiality concerns should never impede the need to: protect children, notify of real or potential risk and manage people believed to pose a real or potential risk to a child/ren's safety or wellbeing.

**Limited Confidentiality:** Refers to the status afforded most documents kept by Safe Place Services. Subject to relevant privacy legislation, no guarantee of absolute confidentiality is made.

**Local Church:** Means the local church according to the common use and understanding of Seventh-day Adventists.

**Local Conference:** Means the Conference according to common usage and understanding of Seventh-day Adventists. The term "Conference" shall include the Conference and all its Affiliated Entities and Departments.

**Local Conference Safe Place Committee:** Means a committee appointed by the Conference Executive Committee/Board of Directors, as applicable. The Conference Safe Place Committee is authorised by the Conference to fulfil roles including:

- Assisting Local Churches to implement their Child-Safe Policy.
- Offering advice to the Conference, Local Church, and/or its companies and Affiliated Entities, on matters of risk and safe practices.
- Making recommendations regarding Risk Assessments and implementing strategies to manage real and potential risk.
- Providing advice and strategies for establishing child-safe environments.
- Managing risks to children for Conference-sponsored events and activities.  
Recommending candidates for appointment to an Adjudication Panel, as required under the AUC & NZPUC documents *Creating A Safe Place Policy*, *Adjudication Panel Terms of Reference*, and *Framework for Investigations*.

In some Conferences, a Safe Place Coordinator/Chairperson has been appointed who may assist with these roles, as authorised/delegated by that Conference.

**Member:** Means a person who has been accepted into membership of a Local Church or company of Seventh-day Adventists or whose name is otherwise on a Conference list of members.

**Support Monitor:** Means a person appointed by the Local Church to act as a monitor of a Safety Agreement or a person appointed by a Local Conference Safe Place Committee to supervise an Applicant at a Conference-sponsored activity.

**Natural Justice:** The process of ensuring that the right to fairness is afforded to all people who are party to an allegation or complaint. Natural justice aims to ensure that all persons are treated: fairly; without bias or conflict of interest; and afforded opportunity to set forth and respond to allegations in a fully informed manner that is impartial and transparent. Natural justice also establishes that the roles of investigation; support; decision-making about the validity of an allegation; and implementation of recommendations that emerge from an investigation, should be clearly identified and separated.

**Neglect:** Means the neglect of a child where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development.

**PSOA:** Refers to a “person subject of an allegation” of child abuse or sexual misconduct.

**Physical Abuse:** Means the physical assault of a child other than lawful discipline by a parent or guardian.

**Respondent:** Refers to someone under Investigation, Complaint Inquiry or Risk Assessment when it is deemed there is an allegation(s) for them to respond to. In some situations the definition of PSOA and Respondent might both apply. In certain sections of this document, the more commonly used term PSOA might be used for consistency



of sentences and paragraphs, rather than the term Respondent, although this latter term might be more precise.

***Safe Place Adjudication Committee (SPAC):*** Refers to a duly-appointed Tribunal of the Church for making findings and recommendations on cases referred to it in accordance with the Church's policies and procedures for investigating complaints and allegations. The role of the SPAC is further outlined in the document *Safe Place Adjudication Committee Terms of Reference*.

***SPAC Reviewer:*** The person duly appointed to review a finding of the SPAC if an appeal against a finding is granted in line with policy and relevant procedures.

***Safe Place Services (SPS):*** The service authorised by the Church in Australia and New Zealand to assist the Church become a safer place for children and vulnerable people. Services include: providing information; answering inquiries; developing educational materials; providing training; developing policy; investigating complaints and allegations about Church Workers, Volunteers and Attendees; and providing support to all parties during an Investigation by the Church. Safe Place Services reports to the SPS Management Committee.

***Safety Agreement:*** Refers to a set of guidelines and safeguards that an Applicant and the Local Conference agree to abide by as a condition of the person's attendance at a specified Local Church and their involvement in other various aspects of Church life.

***Sexual Assault:*** Means any intentional or reckless act, use of force, or threat to use force involving some form of sexual activity against a person without their consent.

***Sexual Abuse:*** Means sexual assault, sexual exploitation, sexual harassment or sexually inappropriate behaviour.

***Sexual Exploitation:*** Refers to any form of sexual contact or invitation to sexual contact with whom there is a pastoral or supervisory relationship, whether or not there is consent and regardless of who initiated the contact or invitation. It does not include such contact or invitation within a marriage.

***Sexual Harassment:*** Means unwelcomed conduct of a sexual nature, whether or intended or not, where the person reasonably feels in all circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over time.

***Sexually Inappropriate Behaviour:*** Means sexual behaviour which would be regarded by regular members of the Church as being inconsistent with the standards of sexual behaviour to be observed by Church Workers, volunteers or attendees.



**Sexual Misconduct:** Means sexual assault, sexual exploitation, sexual harassment or sexually inappropriate behaviour in relation to an adult.

**Seventh-day Adventist Church (Pacific) Limited / South Pacific Division:** Refers to the South Pacific Division (SPD) or “the Division” of the Seventh-day Adventist Church according to the usual meaning and usage of the title by Seventh-day Adventists. The Division is responsible for the operation and coordination of Departmental work across the Unions, Missions, several institutions and Conferences within the South Pacific region.

**Spiritual Abuse:** Means the mistreatment of a child by actions or threats when justified by appeal to God, faith, religion or authoritative religious writings, where the child has suffered or is likely to suffer, significant harm to his or her wellbeing or development.

**Union (AUC and NZPUC):** Refers to either the Seventh-day Adventist Church (Australian Union Conference) Ltd or the New Zealand Pacific Union Conference (NZPUC) of the Seventh-day Adventist Church, or both.

**Victim:** Person who discloses or alleges they are a victim; or is reported and believed by someone else to be a victim or target of abuse, neglect or misconduct (e.g. a child need not know and understand that they are a victim to be defined as a victim within this Policy). The term “victim” is used throughout this Policy although it is acknowledged that victims may move through a journey of healing and recovery.

**Volunteer:** Means anyone who holds Church office by way of appointment to a position by the Local Church’s usual nominating processes (as outlined in the *Church Manual*), or who has accepted a request (either formally or informally) to be a leader, helper or assistant in any Local Church, Conference, Union or Division program or a Church-sponsored activity.

**Vulnerable Person:** Certain people in the Church, in addition to children, may be considered to be susceptible to abuse or exploitation based on factors such as their health status (mental or physical); age; grief; social isolation; or financial hardship.

## 8.2 Supporting Documents

- ❖ NSW Ombudsman (2004), *Child Protection in the Workplace: Responding to Allegations against Employees*, 3<sup>rd</sup> Edition.
- ❖ Any relevant Letter of Appointment, Position Profile, or Job Description.
- ❖ Any relevant teaching, ministerial, or other employee documents such as the *Handbook for Australian Pastors (2005, as revised 2012)*, Ministers’ Manual, or registration requirements/standards for teachers.
- ❖ Any current and applicable Professional or Ministerial *Code of Conduct* or *Code of Ethics*.